Liquor-Primary Licence

TERMS and CONDITIONS

A GUIDE FOR
LIQUOR LICENSEES
IN BRITISH COLUMBIA

Updated
February 2008

BRITISH COLUMBIA
The Best Place on Earth

Ministry of
Public Safety
and Solicitor General

This guide . . .

provides essential information for anyone holding a liquor-primary licence (a licence to serve liquor in a bar) or liquor-primary club (a license to serve liquor in a private club). This information does not apply to all licence classes.

Separate guides are available for those holding food-primary, licensee retail store, UBrew/UVin, manufacturers' and winery licences.

For copies of these other guides, please contact us or visit the provincial government website listed below:

Phone (toll free): **1 866 209 2111**
E-mail: **lclb.lclb@gov.bc.ca**
Web: **www.gov.bc.ca/pssg** (look under "Liquor Licensing")

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Terms and Conditions
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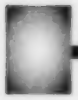

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Introduction

This Guide

This guide outlines the requirements of the Liquor Control and Licensing Act and Regulations for serving and consuming liquor in liquor-primary establishments (such as bars, pubs, night clubs, recreation centres and stadiums) and in liquor-primary clubs (private clubs). It also imposes further terms and conditions, in addition to those found in the Liquor Control and Licensing Act and Regulations.*

Important!
Please take time to read this guide carefully and make sure your managers and staff are familiar with the information presented here, and with any additional terms and conditions printed on the face of your licence and/or in letters issued by the Liquor Control and Licensing Branch.

Like the requirements contained in the Act and Regulations, these additional terms and conditions — and any further terms and conditions that might be printed on the face of your licence or contained in letters issued to you by the general manager of the Liquor Control and Licensing Branch — must be followed at all times.

As a licensee, it is your responsibility to operate your business so that it complies with the law and with the terms and conditions of your licence.

*Section 12 of the Liquor Control and Licensing Act provides the general manager with the authority to impose, in the public interest, terms and conditions on licences.

Definitions Used in this Guide

"The Act" means the Liquor Control and Licensing Act, the provincial legislation that guides the licensing of establishments that manufacture, store or sell liquor in B.C.

Please note:
Wherever definitions, words or expressions used in this guide differ from the wording of the Liquor Control and Licensing Act and Regulations, the legislation will prevail.

"Agent" means any agent of a manufacturer, employee of a manufacturer or employee of an agency that sells domestic or imported liquor products.

"The branch" means the Liquor Control and Licensing Branch, the government agency that administers the Act.

"Food-primary" refers to a licensed establishment where the service of food, as opposed to liquor, is the primary focus of the business.

"The general manager" means the general manager of the Liquor Control and Licensing Branch.

"Licensee" refers to any individual, individuals or corporate body that holds a British Columbia liquor licence. The term covers both the licensee of record and any person acting in the place of the licensee, such as a manager or person in charge of an establishment in the licensee's absence, and staff or entertainers working in the establishment.

"Liquor-primary" refers to a licensed establishment where the service of liquor, as opposed to food, is the primary focus of the business.

"Liquor-primary club" refers to a private club (e.g., legion) that is licensed to serve liquor to members and their guests.

"Minor" refers to an individual who is under 19 years of age – 19 is the legal drinking age in British Columbia.

"Manufacturer" means a manufacturer of liquor products (i.e., beer, wine, spirits, cider and coolers) or the corporate official of a liquor manufacturer.

"Product Vouchers" or "Vouchers" is a certificate issued by a manufacturer. A customer may take the voucher to a participating licensee retail store and exchange it, at no charge, for the quantity of liquor (a bottle of wine or a six-pack of cider, for example) specified on the voucher.

"Occupant load" means the number of persons, including staff, who may be in a licensed premises at one time. The number is calculated by local fire and building officials or other designated professionals, such as architects and engineers. The occupant load

calculation must be the least number of people allowed under the relevant provincial regulations or municipal bylaws.

"Patron capacity" means the maximum number of persons, not counting staff, who may be in a licensed premises at one time.

"Person capacity" means the maximum number of persons, including staff, who may be in a licensed premises at one time.

"Red-lined area" refers to the area within a licensed establishment where you may sell, serve and consume liquor.

"Terms and conditions of licence" are requirements of licensees that are set by legislation, regulation or branch policy. All licence terms and conditions must be followed. Not following them may result in enforcement action.

Updates

Licence terms and conditions change from time to time. We will send out revisions to this guide periodically. In addition, an up-to-date copy is always available on the branch web site:
www.pssg.gov.bc.ca/lclb

Help is available

We know how difficult it can be to operate a licensed establishment, and understand the challenges you may face in consistently following B.C.'s liquor laws. You should always feel free to discuss potential enforcement problems with a liquor inspector or another branch employee.

If you have any concerns or questions, please contact your local liquor inspector or write, telephone or email the Liquor Control and Licensing Branch at:

Mailing address
PO Box 9292 Stn Prov Govt,
Victoria, BC V8W 9J8

Office address
2nd Floor, 1019 Wharf St.,
Victoria, BC V8W 2Y9

Email
lclb.lclb@gov.bc.ca

Phone
250 387-1254 in Victoria

Toll Free Phone
1 866 209-2111

A range of helpful information along with licensee guides, application forms and links to the Liquor Control and Licensing Act and Regulations can be found on the provincial government website, under "Liquor Licensing":

www.gov.bc.ca/pssg

Background: Who is Responsible for What

The Liquor Control and Licensing Branch

The Liquor Control and Licensing Branch is responsible for regulating and monitoring the sale of liquor in licensed establishments in British Columbia, and for protecting the public from the harm that may be caused by making and selling liquor or products that contain alcohol.

The branch issues and supervises liquor licences, and monitors the activities of all liquor licensees in British Columbia to make sure they are following the rules laid out in the Liquor Control and Licensing Act, its Regulations, and their licence terms and conditions.

To make sure the public has full access to information about liquor licensees in this province, we post summaries of all cases where the branch has recommended enforcement action on our branch web site. For those cases that go to an enforcement hearing, we post the complete text of the decision. (Names of individuals are removed to comply with the requirements of the Freedom of Information and Protection of Privacy Act.)

Your Role as a Licensee

As a licensee (someone who holds a liquor licence), you are legally responsible for understanding how the Act, its Regulations, and the specific terms and conditions of your licence affect the operation of your establishment, and for complying with the Act, its Regulations, and the terms and conditions of your licence.

You are also responsible for making sure your employees follow B.C.'s liquor laws and the terms and conditions of your licence, even when you are not on site. In addition, you must let the branch know about any changes you make to your business or to the buildings you operate. You must cooperate with liquor inspectors and police, and ensure the actions of you and your staff do not put liquor inspectors or police at risk or prevent them from carrying out their duties.

If you do not carry out your legal responsibilities, you could face serious penalties, including the suspension or loss of your licence.

The Role of the Liquor Inspector

Liquor Control and Licensing Branch liquor inspectors are located in regional offices across the province. They will regularly visit your licensed establishment – often arriving unannounced – to:

- explain the terms and conditions of your licence
- inspect the physical layout of your establishment
- inspect your legal, financial and business records
- observe and record your business practices, identifying gaps or weaknesses that are likely to lead to non-compliance (to you not following the Act, its Regulations and the terms and conditions of your licence), and
- identify any contraventions of the Act, Regulations or the terms and conditions of the licence occurring in your establishment.

If a liquor inspector finds you are contravening (not following) the Act, its Regulations or the terms and conditions of your licence, the inspector will issue a Contravention Notice and may recommend that the general manager take enforcement action against you.

Please note:
Liquor inspectors are a good resource. They can provide you with both help and advice, and we recommend you get to know your local liquor inspector as soon as possible.

The Role of Police

Police officers also make regular, unannounced visits to licensed establishments. The police consider these visits to be an important part of their routine patrols in the community.

When the police walk through your establishment, they will look for evidence of any liquor contraventions, especially those that could result in disturbances within the community or that could threaten public safety, such as drunkenness, overcrowding or minors in possession of alcohol. If the police notice a contravention, they will record it on a form called a Licensed Premises Check (LPC), leave one copy with you and send one to the Liquor Control and Licensing Branch.

The branch follows up on all LPCs, and may ask a liquor inspector to conduct a further inspection. If the inspector confirms the contravention, he or she will issue a Contravention Notice and may recommend enforcement action.

The Role of Local Government and First Nations

A liquor licence is only one requirement in opening a licensed establishment in British Columbia. Liquor licensees must also deal with local governments on such issues as zoning, building bylaws, business licensing requirements and health and fire Regulations.

Local governments are responsible for protecting the peace and good order of their communities and are often the first to learn about problems relating to licensed establishments. The general manager takes complaints from local governments that licensed establishments are operating contrary to the public interest and are disturbing people in the surrounding area very seriously.

Managing Your Business

Posting Your Licence

You must post your liquor licence certificate in a prominent location in the licensed area to ensure it is immediately available for review by liquor inspectors and police.

Storing Your Floor Plans

When you first applied for a liquor-primary licence, you submitted your establishment's floor plans for approval. Once they were approved by the general manager, these floor plans became part of your liquor licence. As with the licence certificate, liquor inspectors and the police must have quick and easy access to the information contained in your floor plans.

Your floor plans must be stored in the licensed area of the establishment, and must be immediately available for presentation to a liquor inspector or a police officer on request.

Renewing Your Licence

You must renew your licence each year and pay an annual licence fee. Your fees are calculated based on the amount of liquor your business purchased from the Liquor Distribution Branch in the previous year – see the chart below:

Annual Liquor Purchases from the Liquor Distribution Branch	FEE
$12,500 or less	$ 275
over $12,500 and up to $20,000	$ 550
over $20,000 and up to $45,000	$ 825
over $45,000 and up to $100,000	$1,100
over $100,000 and up to $250,000	$1,200
over $250,000	$1,400

Providing Information to the Branch

You must be forthright in providing information to the branch. Making a misleading statement or failing to disclose a material fact (such as the fact that a third party is using your licence, or that the lease on your property is about to run out) are licensing contraventions.

Making Changes to Your Liquor Licence

The details of your liquor licence application – who you are, the location, size and layout of your establishment, etc. – are critical factors in the decision to grant a licence.

Any changes you intend to make to these factors after your licence is granted require the approval of the branch before you make the changes. (See *Appendix 3* for detailed information about making changes to your licence.)

Selling Your Business and Transferring Your Licence to a New Owner

To transfer your liquor licence to a new owner, the new owner must apply to transfer the licence using the Application for a Liquor-Primary Licence form. As the current licensee, you will need to sign the Agreement to Transfer Licence(s) section of that form – this is where you officially agree that when the general manager approves the transfer application you will relinquish all claims to your licence(s). You also acknowledge that you will continue to be held responsible for any contraventions that occur until the transfer is approved. The new owner can also request a change in the name of the business. If applicable, you must also give the new owner all records of liquor bought from the Liquor Distribution Branch in stock at the time of the sale.

The general manager may not approve a licence transfer if the branch is in the process of taking action against you as the current licensee.

Beginning in 2008, the new owners may not serve liquor until the general manager has approved the licence transfer.

Using Your Establishment for Unlicensed Events

You may use your establishment for unlicensed events (these are events where liquor is not served and that minors may attend), either during or outside your regular licensed hours.

To use your establishment for an unlicensed event during the hours noted on your liquor licence, you must:
apply to the general manager to have your licence temporarily suspended for a full 24 hours (partial evening suspensions are not permitted), and
make sure all liquor is secured and inaccessible during the event.

Please Note:

- Once you have closed your establishment for the night, you must remain closed until 6 a.m. You may not either sell liquor or use your establishment for an unlicensed event during this time.
- You may only apply for a temporary licence suspension *occasionally*. You many not regularly operate a teen/underage dance club during the week, and a licensed-nightclub on the weekend.

To use your establishment for an unlicensed event outside the hours noted on your liquor licence, you do not need to apply for special permission, but you must:

- make sure all liquor is secured and inaccessible during the event, and
- remain closed for a full hour after the event, before you can re-open as a licensed establishment

Operating an Unlicensed Games Area

Liquor-primary licensees may apply to have a separate, unlicensed area where minors are allowed (such as a games area), provided building officials are able to calculate a separate occupant load for the licensed area, and the physical separation is both fixed and immovable to ensure the size of the licensed area is maintained.

If you have been approved for an unlicensed area:

- you must be able to control access to the licensed area
- you must ensure patrons do not take liquor into the unlicensed area, and
- patrons must be able to enter the unlicensed games area without having to go through the licensed area.

If you offer adult entertainment in the licensed area of your establishment, you must also ensure customers in the unlicensed area cannot see into the licensed area.

Buying, Storing, Selling and Serving Liquor

Buying liquor

You must purchase your liquor from a Liquor Distribution Branch liquor store or other outlet designated (in writing) by the general manager or the Liquor Distribution Branch.

Whenever you buy liquor, you must first identify yourself as a licensee. The liquor store will then record your purchase against your licence number. It is a serious contravention to buy liquor from another source, or to purchase liquor that is not recorded against your licence number.

Maintaining a liquor register

You must keep a detailed, written record of every liquor purchase made under your licence by date and storage location (if you are permitted to store liquor off-site) in a liquor register. This is usually a book or binder where you keep your copies of the documentation you receive every time you buy liquor.

You must also keep a record in your liquor register of all faulty or damaged kegs of beer or cider or kegs containing spoiled product that you receive and replace.

Your liquor register must be available for inspection by a liquor inspector or police at any time. The inspector or police officer may look at your register and compare it to your liquor stock to make sure you have purchased your liquor in the proper way. It is not sufficient to simply store receipts of your liquor purchases and call these your record or your register.

Illicit or private liquor

You may not buy, keep, sell or give illicit liquor to anyone. Illicit liquor is defined as:

- liquor purchased "over the counter" from a source other than your designated liquor outlet
- stolen liquor
- smuggled liquor
- liquor intended for export
- home manufactured or UBrew/UVin liquor
- liquor purchased as a medicinal, confectionery or culinary product that is being used as beverage alcohol
- liquor that has been adulterated or watered-down, and
- samples that may have been left by a liquor representative.

You are accountable for any illicit liquor found anywhere on your premises (service or storage area). It is not acceptable to say that illicit liquor made its way into your stock by accident, that it was a gift for personal use, or that an employee left it there.

If you recently purchased your establishment and acquired your licence through a transfer, you must conduct a thorough audit of all liquor on the premises to ensure none is illicit.

Because the risk of internal theft is high in licenced establishments, you must put safeguards in place to make sure staff or others do not water down or otherwise adulterate your liquor supply. The extent of the safeguards required will vary depending on the circumstances.

Culinary product containing alcohol that you keep for cooking must stay in the kitchen and separate from liquor kept for sale.

You also may not keep or serve liquor bought for private consumption in your establishment.

Hours of sale

You may sell liquor at your establishment only during the hours indicated on the face of your licence. You are prohibited from selling liquor — or using your establishment for any other purpose — between the time you close and 6 a.m.

All patrons must leave your establishment within half an hour — one hour in some communities — of liquor service ending (it will be stated on the face of your licence if you are allowed one hour).

On New Year's Eve, you may serve liquor until 4:00 a.m. on January 1, regardless of your normal closing hour (and provided food is available to customers), unless the general manager has directed otherwise or local bylaws prohibit it.

On the night of a time change (spring or fall), you must operate according to the hours in effect at the start of the Saturday business day, and wait to change your clocks (forward or back) until after your liquor service hours have ended for that business day.

Dispensing liquor and mixing drinks

You must always dispense liquor from the original containers, unless you have applied to the general manager for an exception. You may not refill containers or add liquor to a bottle or container purchased from the Liquor Distribution Branch.

You must dispense and mix drinks at a liquor service bar, in full view of customers, and you may not pre-mix drinks: all drinks must be mixed at the request of a customer.

Price lists

You must have a list available showing the types of liquor available, the size of each drink you sell and its price. Your price list should also include any drink specials you are currently offering.

You may post the price list as a printed list or on a board, or it can be available at all tables. At a minimum, it must be available to customers on request.

Your price lists:

- Must indicate whether the price includes taxes, and what the applicable taxes are.
- Must indicate the size of each drink (you may use common names, such as "a sleeve of beer," which is 14 oz).
- Do not have to include a complete list of all available mixed drinks, provided you clearly list the price and amount of liquor (e.g., "mixed drinks contain 1 oz of liquor, and cost 'x' for bar brands, and 'y' for premium").

Where customers may consume liquor

Customers may not bring their own bottles of liquor to consume in your establishment, and you may only sell and serve liquor in the licensed area of your establishment (commonly referred to as the "red-lined area" of your floor plans).

You may not permit customers to consume liquor outside of the red-lined area, or to take liquor from the red-lined area to other parts of your establishment, except:

- Patrons may take liquor into the washroom as long as they are not walking through an unlicensed area (such as a hotel lobby), and you are properly supervising the washrooms.

- Customers may take away unfinished bottles of wine. Your staff must put a new cork in the bottle and tell customers who are driving that they must store the wine behind the rear seat, in the trunk, or in an exterior compartment — it must be out of reach of people in the car.

Exceptions to the General Rules

Liquor-primary club licence

The general rules for a liquor-primary club licence are similar to the liquor-primary licence, but some special rules do apply. For example, to be eligible for a licence, a club must:

- be legally incorporated as a society
- have been in continuous operation for at least one year
- have at least 50 members who pay $10 or more in annual membership fees
- have its own facilities, and
- do its own catering and liquor sales (these functions may not be sublet)

In addition, clubs must:

- only sell liquor to members or their guests
- keep a visitors' register
- impose a limit on the number of guests entering the club, and
- report to the branch the results of their annual board elections (this keeps the branch informed about who is responsible for the liquor licence).

A club may not solicit the general public in its advertisements. If the club ceases to exist, the liquor licence is void. A club with no members and/or no facilities is considered to no longer exist (if the club has no members, then it cannot legally sell liquor).

Off-premises sales

If you have an endorsement for off-premises sales, you may sell your products only until 11 p.m. each evening, and customers must immediately leave your establishment as soon as they have made their purchases.

Liquor sales and service on golf courses

Golf courses with a liquor-primary licence may apply for a licence endorsement that allows them to serve liquor to patrons on the playing area from a kiosk, take-out window, or beverage cart. (One beverage cart is permitted for every nine holes on the course; the playing area does not include practice areas such as the driving range or the putting green.)

If you have a golf course licence endorsement:

- Anyone serving liquor on the playing area of the golf course or in a licensed lounge must be employed by you, be at least 19 years of age, and have successfully completed Serving It Right (please see the section on *Providing Safe and Responsible Service*).
- You must ensure that customers who purchase liquor on a golf course consume it on the playing area or in the licensed areas of the club house; they may not drink liquor in, or carry liquor to, other areas of the golf course.
- You are responsible for making sure patrons do not bring their own liquor onto the course.
- You may sell liquor from a cart, kiosk or take-out window only during the hours indicated on the face of your licence.
- You must have snacks and non-alcoholic beverages available for sale, at reasonable prices, during all hours of liquor service.
- You must post rules pertaining to the availability of liquor service from beverage carts, kiosks and take-out windows before the first tee box and where patrons can see them.
- You must post additional signs at the tee box one hole before a roadway crossing to notify golfers that they are not to consume (or

carry in hand) any beverages containing alcohol while crossing public roads in a golf cart, because a golf cart is regarded as a motor vehicle.

Serving or selling liquor in a stadium

To serve or sell liquor in a stadium, you must:

- have prior written permission from the organizers of the event
- serve all liquor in disposable containers,
- have prior approval from the general manager if you want vendors in the stands, and
- set aside a reasonable amount of the stadium's tiered seating where liquor is not allowed.

Providing Safe and Responsible Service

Serving It Right™: B.C.'s Responsible Beverage Service Program

Serving It Right is a self-study course that educates licensees, managers and servers about their legal responsibilities when serving liquor, and provides effective techniques to prevent problems related to overservice.

Serving it Right:
The course packages,exams and certificate numbers may be obtained from the program:
Phone:
604-633-9798
E-mail:
info@servingitright.com
or downloaded from website:
www.servingitright.com

The *Serving it Right* program is administered by go2 — B.C.'s tourism industry human resources association..

Serving It Right must be completed by all licensees, managers, bartenders, and servers. (The only exceptions to this requirement are licensees and staff of a licensed aircraft and unpaid managers and servers in a liquor-primary club.) If you are licensed as a public or private corporation, the licensee portion of this requirement is met if any director, officer or employee responsible for controlling the sale of liquor completes the Serving It Right program.

With the exception of licensed aircraft, during all hours of liquor service, there must be at least one person on duty who has completed the Serving It Right program.

You are responsible for making sure your employees take Serving It Right. You must keep photocopies of their Serving It Right certificates to be available at all times for inspection by a liquor inspector or police officer.

Controlling Your Establishment

Your responsibilities

You and your employees are responsible for managing and controlling the behaviour of patrons. You must ensure that other patrons, your staff and members of the community are not harmed as a result of liquor misuse or criminal activity in your establishment, and you are required to take steps to ensure your business does not disturb the surrounding community.

If your staff, patrons or members of the community have reason to be concerned that there is a threat to their safety, you must act on these concerns. If criminal or riotous conduct has occurred, or you suspect it may, then you must notify police immediately.

An individual who has been asked to leave, or who has been barred from entering your establishment, must not return for at least 24 hours. If a person does this, he or she is committing an offence and may be arrested.

Section 22 of the Act allows the general manager to suspend a liquor licence for 24 hours and order the immediate removal of patrons where there is an imminent threat to people's safety. In this situation, you are required to take all

Steps you can take to ensure responsible service:

- Hold regular staff meetings to discuss liquor issues.
- Let your staff know that you will support them when they cut a patron off or refuse service.
- Be familiar with 'drive home' programs offered in your community.
- Have door staff to monitor the entry and exit of guests and control the numbers in your establishment (you might want to supply them with mechanical counters that will allow them to track the number of patrons entering and leaving).
- Food and non-alcoholic beverages must be available at reasonable prices.
- Give 'last call' toward the end of the night and do not allow patrons to buy excessive amounts of liquor at that time.

reasonable steps to ensure that customers vacate the premises immediately.

Preventing disturbances

You must take reasonable measures to make sure your business is not operating contrary to the public interest and does not disturb people near your establishment.

Examples of reasonable measures include installing adequate lighting outside your establishment and in the parking lot, supervising your parking areas, adding sound proofing, making approved structural changes to allow indoor line-up areas, and posting signs at the exit doors asking your patrons not to disturb your neighbours. (Please see *Appendix 2* for further examples of reasonable measures.)

Important!

If a liquor inspector believes you are not taking reasonable measures to prevent disturbances - or if we receive a number of complaints from the public about disturbances that can be linked back to your establishment - you will be required to attend a compliance meeting. (Please see the section on *Enforcement* for more about compliance meetings.)

Minors

You must not allow minors in your establishment, unless you have applied for and received special authorization from the general manager.

It is against the law to sell, serve, or supply liquor to a minor. You and your staff are expected to put in place effective systems to meet this obligation. If you or an employee allow a minor to enter your establishment or to purchase liquor, your licensing privileges could be jeopardized and you risk prosecution.

You may not employ minors to sell and serve liquor, except at stadiums.

Minors employed in liquor-primary stadiums who are 16 years of age or older may serve liquor but may not open bottles nor pour or mix liquor. Minors serving liquor must be under the supervision of adult staff.

You may employ minors as entertainers (including DJs) but you must ensure that they are supervised at all times. Whenever they are not entertaining, minors must leave the licensed areas.

Under no circumstances may a minor perform as an exotic dancer, stripper or in any other form of adult oriented or sexually explicit entertainment.

Exceptions to the prohibition of minors

Minors are allowed in licensed establishments under very limited circumstances. Specifically, they are permitted in:

- aircrafts, trains, motor vessels, stadiums, concert halls and convention centres.
- the lounges at Vancouver International Airport (and any other airport lounges that have a licence endorsement) when travelling with a parent or legal guardian.
- the playing areas of golf courses that are allowed to sell liquor to golfers from a take-out window, kiosk or beverage cart.
- military messes, provided the event in the mess is sponsored by the military or a member of the mess, or the minor is a full member of the mess.
- any licensed establishment while performing as professional entertainers.
- ski resort lounges, if approved by the general manager, and minors are accompanied by a parent or legal guardian.
- the licensed area of a curling club, if approved by the general manager. The approval, if granted, shall be for a period ending not later than May 31, 2009.
- liquor-primary clubs for special events, such as a wedding or birthday party, provided there is not another suitable area within the club, minors are accompanied by a parent or legal guardian, a sit-down meal is served, and if approved by the general manager.
- the licensed areas of liquor-primary clubs and recreation centres for banquets and award ceremonies, when these events include competitors who are minors.

ID requirements

You must demonstrate that you are preventing minors from obtaining liquor. When you verify a customer's age, you and your employees must ask for **two** pieces of identification.

The first piece of identification must:

- be issued by a government agency (e.g. a passport or driver's licence), and
- include the person's name, signature, birth date and picture.

The second piece must:

- include an imprint of the holder's name (e.g. a credit card or Care Card), and
- include the person's signature and/or picture.

If the person cannot produce two pieces of acceptable identification that proves they are 19 or older, you must refuse entry.

You must cooperate with a liquor inspector if the inspector asks you or your staff to determine whether a person is a minor.

To verify identification, ask the person for:

- A sample signature to compare to the signature on the photo identification.
- His or her zodiac sign – people with false identification often will be unable to answer quickly.
- His or her middle name and how to spell it.
- Information that is on the identification, such as the person's address or postal code.

You are encouraged (but not required) to retain identification that is clearly false and to turn it over to your liquor inspector. Where possible, the inspector will return the identification to the agency that issued it. (If the patron insists you return the ID, you should do so, but we encourage you take a photocopy of it first to give to your liquor inspector.)

Setting aside an area to check ID

You must provide an area in your establishment that is well lit and protected from entertainment noise so that staff can properly review both the offered identification and the patron, and ask appropriate questions to test the ID's authenticity.

If you operate an establishment that is particularly attractive to young people, you will be expected to maintain a sufficient standard of scrutiny to prevent access by minors. To help deter minors, we suggest you:

- record each person's name and the ID serial number
- assign an experienced doorperson to check ID
- secure any uncontrolled exits, as allowed in fire safety rules, regulations or codes, and
- use video surveillance to record an image of the person and his or her ID.

If your procedures are not effective, your local liquor inspector may direct you to install the appropriate lighting, signage, video cameras and noise barriers to ensure your staff can check identification properly. (Licensees directed to install and operate video cameras may be required to provide the film from those cameras for review by the branch.)

Overcrowding

Your liquor licence tells you the maximum number of patrons or the maximum number of persons (patrons and staff) that you may allow in your premises at one time (see the definitions of "patron capacity" and "person capacity" at the beginning of this guide).

It is important for you to know the type of capacity for which your establishment is licensed, and to make sure you stay within this limit. You must have controls at each entry point to your establishment, and you must be able to count the number of people entering and leaving.

Please note:
If an inspector visits your establishment and is uncertain as to whether it is overcrowded, the inspector will count, as accurately as possible, the number of patrons/persons in your establishment.

If the count indicates that your establishment is overcrowded, the inspector will, if possible, do a second count. If you receive a Contravention Notice (please see the section on Inspections for more on this), it will include both the first and second count.

Local building/fire authorities also establish a maximum capacity or occupant load that may differ from your liquor licence maximum capacity. (In most cases, the occupant load maximum capacity will be greater than the liquor licence maximum capacity.) You may apply to the branch to increase your liquor licence maximum capacity so that it matches the occupant load maximum capacity set by building and/or fire authorities. If fire and building officials have each calculated an occupant load for your establishment, or if an engineer or architect has, and the numbers are not the same, the lower number is the one you must use.

Drink sizes

You must encourage moderate consumption at all times and follow strict limits on the maximum size of servings.

Distilled liquor: Each drink containing distilled liquor (spirits) shall not contain more than three

fluid ounces of distilled liquor, or the metric equivalent (85 ml). This applies regardless of whether the drink is served in one, or more than one, glass or container (for example, a single patron may not be served four one-ounce shooters or two two-ounce "doubles" at one time). Drinks that two or more patrons intend to share may be served in larger containers, but the maximum of three fluid ounces per person must be maintained. You may not serve whole bottles of distilled liquor.

Maximum drink sizes per person:

Distilled liquor(spirits)	3 ounces
Draught beer	0.5 litre
Bottled beer	2 standard-size bottles or 1 large-size bottle
Wine	0.25 litre (or more with a meal)

Draught beer: You may serve draught beer in single servings of no more than .5 litre or smaller servings of multiple brands, provided the total served at one time is no more than .5 litre. Pitchers or other multiple serving containers shared by two or more patrons may contain no more than 1.5 litres of draught beer.

Bottled beer: You may serve a maximum of two standard-sized or one large-sized (.5 litre or more) bottle of beer to a single patron at one time.

Wine: You may serve wine in single servings of .25 litre (or more if the person is having a meal), or in smaller servings of multiple brands. You may serve wine by the bottle, in non-refillable containers of .75 litre to 1.5 litres, or in refillable containers of no more than 1.5 litres, provided you apply for and receive approval for the container from the Public Health Protection Branch of the Ministry of Health (the container must be one that prevents product contamination).

Drink prices

To help encourage moderate consumption:

- You must charge at least as much as the original Liquor Distribution Branch purchase price.
- You must set your liquor prices at the start of the business day, and you cannot change them until the next business day.
- Happy Hours are not permitted. If you are going to offer a special or reduced price, it must be available all day and may not be offered on a brand or type of liquor for which you know you don't have enough stock.
- You may occasionally treat your customers to a free drink; however, you cannot give away multiple drinks that could lead to over-consumption.
- You may offer an all-inclusive package that includes liquor in the price (for example, "champagne brunch," Mother's Day special, New Year's Eve special). The amount of liquor to be provided must be specified and not unlimited.
- You must not provide unlimited or unspecified quantities of liquor for a single price or use a sales strategy that is likely to promote or encourage over-consumption. For example, you may not:
  - sell drinks "two for one"
  - allow staff to circulate with trays of pre-mixed drinks, such as shooters that are not pre-ordered, and
  - serve any drinks greater than the maximum drink sizes – by the "tray load", for example.

The general manager has also expressly prohibited the practice of pouring drinks into the mouths of customers laying or leaning over a bar. Establishments that permit such activities to occur can expect enforcement action.

Over-service and intoxicated patrons

It is your responsibility to make sure patrons do not become intoxicated while in your establishment.

Physical signs of intoxication:

- red or bloodshot eyes
- disheveled appearance
- odor of liquor
- unsteadiness on feet
- staggering
- exaggerated care in walking
- slurred speech
- fumbling with small objects such as money

Mental signs of intoxication:

- lack of alertness
- exaggerated emotions
- aggression
- irrationality

You must not let a person who is apparently under the influence of alcohol or drugs enter or remain in your establishment. You must refuse the person service, have the person removed and see that he or she departs safely. You also must write down all incidents of intoxicated patrons and the action you took in an

incident log, and have the information available for the liquor inspector or police officers.

Disorderly or riotous conduct

You must not allow violent, quarrelsome, riotous or disorderly conduct or unlawful activities to take place in your establishment. This includes behaviour that might cause a reasonable person to believe his or her safety is threatened.

If you know or suspect that this kind of behaviour has taken place, is currently taking place or may take place, then you must notify the police immediately.

Weapons

A weapon is defined as anything used or intended for use:

- in causing death or injury to persons whether designed for that purpose or not, or
- in threatening or intimidating any person.

You are responsible for making sure a person with a weapon does not enter or remain in your establishment.

If you know or suspect that one of your customers has a weapon, you should notify the police immediately.

Gambling

Gambling is defined as playing or gaming, for money or other stakes, on an uncertain event; it involves chance and the hope of gaining something more than the amount paid to participate.

You may not allow gambling in your establishment, with the exception of those forms of gambling specified under the Entertainment section. You may not authorize gambling (such as by receiving a portion of the bets, collecting a fee from participants or providing tables or a room for games to take place). You are also responsible for exercising care and vigilance so gambling does not take place without your knowledge.

Unlicensed gambling pools, including those associated with major sporting events, are prohibited under the Criminal Code of Canada.

Employee conduct

Liquor consumption — You and your employees may not consume liquor in your establishment during working hours. This includes breaks, meal periods and between shifts on the same day. After work, you and your employees may consume liquor, provided:

- You do not offer liquor to employees at a reduced price, or in lieu of wages or as a bonus.
- Your employees are of legal drinking age.
- You are serving and consuming the liquor during the hours of sale indicated on the face of your licence.
- You — as the licensee — are not treated differently than a regular patron.

Entertainers may not consume liquor during a performance or while on stage in view of patrons.

Staff parties — You may hold a staff party in your licensed establishment, provided you are able to comply with the Regulations and the terms and conditions of your licence for the duration of the party. Staff, for example, may not consume liquor while on duty. If you cannot meet these conditions, you must apply for a Special Occasion Licence and a temporary suspension of your liquor-primary licence.

Dress — Servers must wear clothes and must not combine the act of serving with stripping or exotic dancing. Servers must not wear brand-identified clothing where the size of the advertising is so prominent that it would result in your establishment promoting a specific brand of liquor.

Advertising Your Business

What You May Advertise

You **may** advertise:

- what kind of liquor you offer in general, such as domestic or imported wine, or that you specialize in martinis or scotch, for example
- what kind of liquor you offer specifically (you may use manufacturer and brand names)
- how much you charge for liquor (your liquor prices, including specials)
- your hours of sale
- any entertainment or food featured at your establishment.

Your ads **may not**:

- encourage people to drink liquor or to drink irresponsibly (you must take this into account if you mention price in your advertising; if your price advertising encourages or results in patrons drinking to excess, we can prevent you from including liquor prices in future advertising)
- show people drinking liquor, or anyone who is either intoxicated or behaving irresponsibly or illegally
- associate liquor with driving
- use pictures of minors (in B.C., that's anyone under the age of 19), or of personalities, images or activities that many appeal to minors
- be directed at minors or placed in locations used or visited mostly by minors, such as video arcades or playgrounds
- depict liquor as:
  - one of life's necessities
  - key to social acceptance or personal success
  - central to the enjoyment of an activity, or
  - a status symbol
- show people with liquor, but without food (they must always have food in front of them)
- promote contests and tournaments involving wet t-shirts, wet jockey shorts, bare-as-you-dare, or similar themes or activities.

Where You May Advertise

You may advertise your establishment in newspapers, magazines and periodicals, or on television, radio or the Internet. You can put up signs and print pamphlets or brochures, including graphics and pictures of your establishment and licensed areas.

Signs

Any signs, including signs bearing the name of your establishment, are considered to be advertisements and must comply with the advertising terms and conditions outlined in this guide. Your signs must also comply with local government bylaws.

Your signs may display:

- The name of your establishment.
- The kind of liquor you offer (including manufacturer and brand names).
- Your liquor prices.
- Your hours of sale.
- If your licence permits off-premises sales, the fact that you sell

Entertainment

What you may offer

Live or recorded music, radio, television, and dancing are permitted in your liquor-primary establishment, unless otherwise restricted by the general manager. This includes hosting a live radio or television broadcast from within your establishment, as long as the purpose of the broadcast is not the promotion of liquor.

You may also:

- Provide games of skill, including darts, pool, shuffleboard, video games and foosball, and games of chance (including card games), but for amusement only – no payoffs or prizes of any kind are permitted for games of chance.
- Hold tournaments of skill and contests, provided:
  - patrons may enter without making a purchase or ordering a drink
  - you do not offer or give liquor as a prize, and your event does not involve the consumption of liquor
  - you do not require the winners to be present to collect their prize
  - your event does not involve a contact sport, and
  - neither you, your immediate family, nor your staff, may enter.
- Show movies, provided the primary focus of your establishment does not shift to that of a movie theatre, and that all movies are shown in accordance with the Motion Picture Act and its Regulations. You may not show movies that are not rated, restricted or adult rated.

Additional Rules for Tournaments and Contests:

- Manufacturer-sponsored tournaments are restricted to events held off the premises (unless your licensed establishment is located at a sports stadium, recreation centre, ski hill, racquet club, bowling alley, concert hall, or university/cultural centre).
- You may not charge an entry fee for contests (although you can for tournaments).
- Tournament prizes may include money, or the winner's name being entered into a draw.
- You may include information about the tournament or contest in any advertising
- While you are permitted to hold contests and tournaments involving wet T-shirt, wet jockey shorts, bare-as-you-dare, or similar themes or activities, they must conform to community standards; you may not advertise them; and they may not involve physical contact between patrons.

- Stage live prize-fighting, kick-boxing and similar contact sports events on your premises, provided you apply to the general manager for approval in advance, do not involve patrons, and take steps to protect both patrons and staff.
- Offer adult-oriented presentations, provided you post a sign to that effect at your entrance and identify when a cover charge is in effect (see additional rules for exotic dancers and other adult-oriented performers).
- Sell B.C. lottery products, unless otherwise restricted by the general manager.
- Allow licensed ticket raffle events to raise money for charitable purposes, provided:
  - they are hosted by a charitable organization licensed by the Ministry of Public Safety and Solicitor General's Gaming Policy and Enforcement Branch
  - the charitable organization's gaming licence is posted in a visible location within your establishment (You must not host a ticket raffle unless the charitable organization has a licence from the Gaming Policy and Enforcement Branch.)
  - winners are not required to be present to collect prizes (the only exception is 50/50 tickets because they don't usually have the person's name and phone number)
  - prizes do not include liquor or tokens redeemable for liquor, and
  - the ticket raffles are limited to meat draws, 50/50 draws, betting pools, or other raffles.
- All other types of draws or raffles are prohibited unless no entry fee of any kind is required.
- Allow licensed social occasion casino events or licensed bingo events for charitable purposes, provided:
  - they are hosted by a charitable organization licensed by the Ministry of Public Safety and Solicitor General's Gaming Policy and Enforcement Branch
  - the charitable organization's gaming licence is posted in a visible location within your establishment
  - prizes do not include liquor or tokens redeemable for liquor
  - you offer the gaming events in an unlicensed area, separate from the licensed area of your establishment (the only

exception is a licensed banquet hall or other large room that can be divided into a separate gaming and liquor service/consumption area)
  - the licensed area is sufficiently enclosed to prevent patrons from taking liquor out of the licensed area and into the gaming area, and
  - you do not serve liquor (and ensure patrons do not consume liquor) in the area set aside for gaming activities.

- Offer pari-mutuel (off-track) betting on horses, if approved by the Liquor Control and Licensing general manager.

Performances by Strippers, Exotic Dancers and Other Adult-Oriented Performers

A stripper is an entertainer who strips off clothing during a performance; an exotic dancer is a performer who does not necessarily strip clothing during a performance. An adult-oriented performer is an entertainer who performs adult dramatic, artistic or other types of adult-oriented activities. (Belly dancers *are not* considered adult-oriented performers.)

If you are offering performances by exotic dancers/strippers/ adult-oriented performers:

- The entertainers must be at least nineteen years of age and must wear appropriate clothing while walking through the audience, both before and after performances. This clothing must not be part of their stage costume.
- Performances must be confined to the stage or other approved areas (these areas will be noted on your liquor licence). No performing is allowed in the audience area.
- Animals may not form part of a performance, and are not permitted as entertainment except as approved by the general manager.
- The exotic dancers/strippers may not act as servers or hold any oher employment position in your establishment while they are also working for you as entertainers.

Exotic dancers/strippers/ adult-oriented performers may not:

- engage in live, realistic or simulated sex acts, or in any acts involving coercion or violence, either simulated or real
- insert any object into, or extract any object from, the vagina or anus
- urinate or defecate while performing
- touch, share food and beverages, or pass objects to members of the audience
- touch or share food and beverages with other performers
- consume liquor immediately prior to a performance, during a performance or between performances
- dance/perform on table tops or other areas outside the approved areas
- deliberately engage a patron(s) in an adult-oriented performance or activity

Relations with Liquor Manufacturers and Agents

What You May and May Not Do

The Liquor Control and Licensing Act and its regulations set out strict rules regarding how you can work with liquor manufacturer/agents, hired agents, and independent agents to promote their products.

Some promotional activities are prohibited outright; others are permitted at any time; still others are permitted only if you document them in a "buy-sell agreement" - a contract between you and a liquor manufacturer/ agent to promote his or her liquor products.

A buy-sell agreement spells out what you and the other licensee have agreed to and for how long that agreement is to remain in place (it may not exceed 36 months). For example, you and a winery enter into a three-month buy-sell agreement where you agree to purchase a specified number of cases of the winery's best wine in exchange for the winery running a contest in your bar or pub, with the prize of a weekend ski getaway for two.

A buy-sell agreement must not exclude, restrict or otherwise prohibit you from carrying or selling the products of the liquor manufacturer's competitors.

Agents

There are three kinds of licensed agents in British Columbia:

- liquor manufacturers who market and sell their products off-site (an agent's licence is not required for liquor manufacturers who promote and sell their products on-site only, at a retail store or sampling room)
- agents hired by liquor manufacturers to market and sell their products off-site, and
- independent agents who market and sell imported and/or domestic products from a variety of liquor manufacturers.

All agents must be licensed by the Liquor Control and Licensing Branch and must comply with the Act, its Regulations and the terms and conditions of their agent's licence when promoting and selling liquor products.

Agents may hire employees to market and sell liquor products. Agents are responsible for making sure their employees follow B.C.'s liquor laws and the terms and conditions of the agent's licence.

Activities Not Permitted

Tied houses

Your bar or pub may not operate as a "tied house." A tied house is an establishment that has an association - financial or otherwise - with a liquor manufacturer or its agent, that is likely to lead to its products being favoured. That means you must not agree to sell only one manufacturer's products in your establishment, or

IMPORTANT!

Please see *Appendix 4* for a sample buy-sell agreement. You must follow this format or similar, and both you and the liquor manufacturer/agent must keep a copy of the buy-sell agreement at your place of business for two years after the agreement expires. All buy-sell agreements must include:

- your name and licence number
- the liquor manufacturer's/agent's name and licence number
- start and end dates of your agreement (may not exceed 36 months)
- the terms of the agreement - what you and the manufacturer have agreed to, including the type, number and retail value of any promotional activities or items conducted or supplied by the manufacturer or agent.

The buy-sell agreement may be signed by you, your manager or other person in charge, and by the manufacturer/agent or his or her sales staff.

to promote a particular product because of your association with a particular liquor manufacturer or agent. (You are similarly prohibited from having an association, financial or otherwise, with a UBrew/UVin.)

Inducements

The Act prohibits you from asking for or receiving benefits for selling a particular liquor product. You may not, for example, demand that a manufacturer or agent supply additional product at either no cost or at a reduced cost, in return for purchasing their product.

You may accept information and ideas to help you improve your business, but this information must come directly from the manufacturer or agent, and not through an outside consultant. You may not accept advice about borrowing money or locating financing.

You are also prohibited from accepting any items, products or services from a manufacturer or agent that are necessary for the operation of your business. This includes money, credit or other forms of financial assistance, as well as fixtures, furnishings, products, repair costs, draught lines, glassware, games, refrigerators, shelving or permanent display structures.

In addition:

- A liquor manufacturer or agent may not rent rooms from you, then leave them unoccupied for you to rent again.
- You must always pay for your own advertising. A liquor manufacturer or agent may not pay all or a portion of your advertising costs (or vice versa), or advertise your entertainment line-up, drink specials, or menu items. With permission from a manufacturer or agent, you can include the manufacturer's logo in your ads, but you cannot demand or receive financial compensation or other consideration in return.
- A liquor manufacturer or agent may not pay for or provide entertainment in your establishment other than inexpensive forms of entertainment (such as games) during theme nights.

Activities Permitted at Any Time, Without a Buy-Sell Agreement

Promotional items

You may accept promotional items of nominal value, such as coasters, tent cards and posters from liquor manufacturers or agents, provided:

- Your menu already lists the brand of liquor identified in the promotional materials.
- It does not appear that you are promoting a particular liquor product or the products of a particular manufacturer (brand-identified or corporately identified items of a particular liquor manufacturer must not predominate).

You may buy clothing and novelties - such as shirts, caps, key chains, etc. — with the name or brand of a particular liquor or liquor manufacturer, and re-sell them to your customers or employees. These items may display the name of your bar or pub.

You may not place bottles of liquor on tables as a promotional or point-of-sale device. You may use brand-identified glassware, provided you purchase it at fair market value and you retain proof of purchase for two years for audit purposes.

Product samples

As a way of introducing their products, a manufacturer or agent may give you product samples, but the amount you receive must not be more than one bottle of the smallest available size per product (or, for beer, cider and coolers, one dozen bottles or cans) in any one year.

Size limits for product samples:

- Distilled spirits: One bottle of the smallest size available size per product (750ml or greater).
- Wine: The smallest available size per product per vintage (not exceeding two litres).
- Beer, cider, coolers: One dozen of the smallest available size bottles or cans (total not exceeding four litres).

You must keep a record of all samples received in your liquor register, including the date, name of the manufacturer or agent, name of the product and volume of the product. You or your staff only, in a private place

outside the licensed area, may consume this product. It is not intended for your patrons and must not be served to them.

Visits

There are strict limits on how liquor manufacturers and agents may act when they visit your bar or pub.

Mass treating or "buying drinks for the house" is not permitted, and manufacturers and agents may not leave money for this purpose. They may, however, purchase drinks for your patrons, provided you ensure that:

- The liquor serving provided to each customer at one time is not greater than the normal serving for your establishment.
- Each order is paid for at the time it is served (the order may be put on a "tab" provided the account is settled before the agent leaves the establishment), and that drink prices are the same as you would charge regular patrons.
- The manufacturer or agent does not treat more than one table at a time, except where it involves a bona fide sporting team, arts or cultural club.
- You issue a countersigned receipt for the dollar value of purchased product to the agent (both parties should retain a copy).
- The manufacturer or agent does not bring liquor products into your bar or pub for the purpose of sampling.

Hospitality

Accept hospitality from a liquor manufacturer or agent without a buy-sell agreement, if the cost of the hospitality is less than $25. (Liquor manufacturers may pay additional hospitality costs — up to $1,000 — but you must ensure this is included in a buy-sell agreement.)

Contests (that are running in government liquor stores)

If a liquor manufacturer or agent is running a contest in government liquor stores, he or she may also hold that same contest in your bar or pub for the same period and with the same promotional materials on display.

If you agree to hold a contest in your bar or pub, the liquor manufacturer or agent must conduct the contest, install all promotional items, and remove all promotional items within 10 days after the contest has ended. The manufacturer/agent must also record the names of anyone who wins a prize valued at over $100.00.

You may include contest entry forms in your print ads, and may mention where entry forms are available in any of your advertising.

Activities Permitted With a Buy-Sell Agreement Only

More expensive promotional materials

Under a buy-sell agreement, a liquor manufacturer or agent may loan you more expensive promotional items with the manufacturer's name or brand, such as signs, patio umbrellas, ceramic draught beer towers, mirrors, menu boards, etc. The manufacturer may also loan you temporary display structures and related promotional items (all displays and promotional items remain the property of the manufacturer). You may also accept T-shirts, hats and other promotional clothing items with a manufacturer's name or brand on them to give away to your customers. You may not take any promotional items for personal use or future promotions, and you cannot sell them.

All promotional items and displays must be individually listed in your buy-sell agreement. The agreement must also identify a specific time for the loan or promotion (six months, for example), and the manufacturer must remove all promotional materials at the end of the identified time period.

Theme nights

A theme night is an opportunity for you to work in collaboration with a liquor manufacturer or agent to promote the sale of a particular kind of liquor. (Theme nights are not allowed on university or college campuses.)

There are no limits on the number of theme nights you can hold, and you may include festive

activities, such as games or prizes, in your theme nights.

If you and the liquor manufacturer or agent agree to put on a theme night:

- You must have food available for your patrons at all times during the theme night.
- You must ensure the event has an educational component, such as messages on the consequences of drinking and driving. the establishment), and that drink prices are the same as you would charge regular patrons.
- If samples are provided, the manufacturer or agent must:
  - be present in bar or pub during at least part of event to make the offer or invitation to taste (not the bar staff)
  - purchase all sample products from you
  - do the dispensing, if a special service area is set up specifically for the event (if the samples are served using your bar or pub's usual facilities, your staff must dispense the product)
  - serve the samples individually (you may not serve them by the tray load).
- You must issue (and the manufacturer or agent must retain) a countersigned receipt for the dollar value of the total amount of liquor and/or food purchased.
- The liquor manufacturer or agent may provide inexpensive forms of entertainment during the theme night, such as games. (Payment for more expensive forms of entertainment – live performers or DJs, for example – is prohibited unless approved by the general manager.)
- If you provide games, contests and prizes as part of the theme night:
  - the liquor manufacturer or agent must record the name of anyone who wins a prize valued at over $100.00
  - prizes may have a liquor manufacturer's name or brand on them (unless the general manager directs otherwise)
  - prizes may not be liquor or drinks containing liquor
  - patrons must not be required to buy or drink an alcoholic beverage to participate, and
  - gambling is prohibited.
- You, your employees and immediate family members are not eligible to enter or win a contest.
- You may not charge the liquor manufacturer or agent a fee for conducting the theme night event, but he or she may pay you a tip or gratuity - providing it does not exceed 15 per cent of the total amount of liquor and/or food purchases noted on the countersigned receipt issued by you at the end of the event. You may also charge a corkage fee.
- You may offer "special" theme night prices on the featured liquor products, provided the prices are not lower than Liquor Distribution Branch prices and do not encourage over-consumption. The liquor manufacturer or agent may not subsidize the price of the products in any way, such as by paying the difference between your normal selling price of a product and its special price.
- You may advertise the theme night both on-site and off-site, provided you follow the advertising rules.
- For a theme night only, the liquor manufacturer or agent may provide clothing such as T-shirts or other novelty items identifying the featured liquor name or brand(s) to be worn by your staff.

Maximum sample quantities you may serve per patron:

	SINGLE PRODUCT	MULTIPLE PRODUCT
Wines	30 ml.	45 ml.
Beer/cider/ coolers	30 ml.	45 ml.
Spirits	10 ml.	20 ml.

The quantities for multiple product tasting apply only where more than one product is being presented at any one time by a single manufacturer/agent. The quantity for multiple products is a total of all products offered. For example, where three varieties of wine are presented, you may offer a maximum quantity of 15 ml. of each wine to taste.

Joint promotions/brewmaster's or winemaker's dinners

You may enter into a joint promotion with a liquor manufacturer or agent to feature a manufacturer's products during a special event, such as a brewmaster's or winemaker's dinner, provided the event includes a full meal and you purchase the liquor served at the event from your regular Liquor Distribution Branch liquor store or other designated outlet.

You and the manufacturer or agent may advertise the event. There are no limits to the number of joint promotions you may hold.

Contests (that are not running in government liquor stores)

You may hold contests in conjunction with a liquor manufacturer or agent that are not running in government liquor stores, provided the manufacturer/agent follows the Liquor Distribution Branch guidelines outlined in their booklet, The Beverage Alcohol Promotions Program for B.C. Liquor Stores.

The liquor manufacturer or agent must conduct all contests, install all promotional items, and remove all promotional items within 10 days after the contest has ended. The manufacturer/agent must also record the name of anyone who wins a prize valued at over $100.00.

You may include contest entry forms in your print ads, and may mention where entry forms are available in any of your advertising.

Sponsorships

Manufacturers and agents may also sponsor an event or activity at licensed stadiums, recreational centres, concert halls, and university or cultural centres.

The event or activity must be time limited and not part of an on-going relationship with the manufacturer/agent.

It is up to the manufacturer/agent to notify the branch before a sponsored event or activity takes place. Both the establishment and the manufacturer may advertise the sponsored event or activity.

Educational events and activities

You may attend educational events or activities - such as an all-day "wine school" - put on by a liquor manufacturer or agent.

You may accept payment from the manufacturer or agent for legitimate travel, meal, accommodation, and entertainment expenses associated with the educational event, up to $1,000 per year per licensee location. If you have multiple licensed establishments — a chain of pubs, for example — you may also accept expenses of $1,000 per person to a maximum of $3,000 per head office per year.

Hospitality

A liquor manufacturer or agent may pay for your hospitality expenses *not* associated with an educational event, at a rate of up to $1,000 per licensee location per year. The manufacturer/agent may also pay for any legitimate in-province travel costs related to the event. (You may accept hospitality from a liquor manufacturer or agent without a buy-sell agreement, worth up to $25 at any time.)

Relations with Liquor Manufacturers and Agents: A Summary

(Please review chapter for exact details)

Activities not permitted

You may not:

- Operate as a tied house.
- Accept a benefit, including money, items, products or services, from a manufacturer/agent for selling a particular liquor product.

Activities permitted at any time, without a buy-sell agreement

Without a buy-sell agreement you may:

- Accept promotional items of nominal value from a manufacturer/agent, such as coasters or tent cards.
- Buy promotional items such as branded shirts, caps or key chains from a manufacturer/agent at fair market value and re-sell them to your customers.
- Accept hospitality (e.g., drinks or meal) from a manufacturer/agent worth up to $25 at any one time.
- Accept product samples from a manufacturer/agent.
- Allow a manufacturer/agent to visit your restaurant and purchase drinks for your patrons.
- Conduct a consumer tasting with a manufacturer/agent.
- Conduct a contest with a manufacturer/agent, provided the manufacturer/agent is running the same contest at the same time in government liquor stores.

Activities permitted with a buy-sell agreement only

With a buy-sell agreement you may:

- Borrow from a manufacturer/agent more expensive promotional items, such as umbrellas, mirrors or menu boards, and temporary display structures and related promotional items.
- Accept from a manufacturer/agent T-shirts, hats and other promotional clothing items to give away to your customers.
- Hold a joint promotion (such as a brewmaster's or winemaker's dinner) with a manufacturer/agent.
- Conduct a contest with a manufacturer/agent that is not also running in government liquor stores (provided you follow Liquor Distribution Branch guidelines).
- Attend educational events and activities put on by a manufacturer/agent and accept payment from the liquor manufacturer for your travel and other costs.
- Accept payment from a manufacturer/agent for hospitality costs not associated with an educational event or activity.
- Hold a theme night with a manufacturer/agent.

Inspections

Why We Inspect Licensed Establishments

Branch liquor inspectors conduct regular, unannounced inspections of licensed establishments to make sure licensees are following the Act and Regulations and their licence terms and conditions, and to make sure there are timely consequences when they don't.

In addition, a liquor inspector may conduct an inspection:

- in response to a complaint from a member of the public, another licensee, a local government/First Nation, police or any other agency, or
- to follow-up on a Licensed Premises Check (LPC) issued by a police officer.

Entry of Liquor Inspectors and Police Officers

You must give liquor inspectors and police officers immediate access to all areas of your establishment on request. It is a serious contravention to refuse or delay providing access to an inspector or police officer.

Producing Documents and Records

You must allow the general manager (or a designated person such as a liquor inspector) to inspect documents and records associated with your establishment, including:

- liquor sales, purchase and disposal records
- food sales records
- sales records, invoices and purchase receipts
- agreements and contracts with liquor manufacturers and agents or representatives
- lease and management contracts related to your licensed establishment
- employee records
- records of the quantity and price of liquor servings
- records of any incidents or events that occurred on or near the licensed premises, and
- any court orders or judgements against you.

Liquor Seizures and Sampling

Both liquor inspectors and the police have the authority to seize liquor they believe might be illicit from any licensed establishment. They will either destroy the liquor immediately or hold it in storage for 30 days.

Liquor inspectors may also take reasonable samples of liquor found in a licensed establishment or liquor storage area to determine whether the liquor is illegal, unauthorized, adulterated or contaminated. An inspector does not need evidence that the Act or Regulations have been breached to take a sample.

Enforcement

Contravention Notice

If a liquor inspector believes that you or your staff are contravening the Act, its Regulations or the terms and conditions of your licence, the inspector must issue a Contravention Notice to you, that identifies the alleged contravention.

The inspector will then review the evidence and circumstances of the contravention in conjunction with the Liquor Control and Licensing Branch's file for your establishment. Based on that review, the inspector will decide whether to recommend that the general manager take enforcement action against you, as the licensee.

If the inspector does not recommend enforcement action, he or she will keep the Contravention Notice in the branch's file on your establishment, and may require you to attend a Compliance Meeting.

Please note:

As a licensee, you are legally responsible for understanding and complying with the requirements of the Act, its Regulations and the terms and conditions of your licence, and for any contraventions committed against your licence.

You are also responsible for making sure your employees follow B.C.'s liquor laws and the terms and conditions of your licence, even when you are not on site.

As the licensee, you are responsible for any contraventions against your

Compliance Meeting

A compliance meeting is a meeting between you and the inspector — and possibly others, such as members of your staff, local police, government and fire officials.

The purpose of the meeting is to promote voluntary compliance with the liquor licensing rules and to assist you in anticipating, and creating solutions for, potential problems. The inspector will prepare a written record of what is discussed including any procedures you intend to put in place to deal with the problem, and when they will come into effect. Once you and the inspector have signed it, you will receive a copy, and a second copy will be placed in your establishment's file.

Compliance meetings are not a required step before the branch takes enforcement action.

Notice of Enforcement Action

If a liquor inspector recommends enforcement action, and his or her regional manager concurs, you will receive a Notice of Enforcement Action. The Notice of Enforcement Action will include the details of the allegation, the proposed penalty, why the branch is recommending enforcement action, and the reasons for recommending this particular penalty.

You have the option of disputing the branch's allegations at an enforcement hearing or signing a waiver notice.

If enforcement action is pending and you have applied for a change to your licence – a temporary extension to your hours, for example – the general manager may decide to wait for the outcome of the enforcement action before making a decision on the change request.

Waiver

Signing a waiver means that you

- agree that the contravention occurred,
- accept the penalty proposed in the Notice of Enforcement Action,
- waive the opportunity for an enforcement hearing, and
- agree that the contravention and penalty will form part of the compliance history of the licence and the licensee.

You may sign a waiver at any time prior to the hearing.

Pre-hearing Conference

After receiving the Notice of Enforcement Action, you will be asked to participate in a pre-hearing telephone conference conducted by the branch's registrar of enforcement hearings. At the pre-hearing conference, the registrar will:

- obtain your response to the allegations and determine if an enforcement hearing is required
- clarify the issues that will be addressed at the enforcement hearing
- identify and discuss the evidence that both you and the branch plan to present at the enforcement hearing (this includes the the names of any witnesses who will testify on your or the branch's behalf)
- arrange for the branch and you to exchange copies of any documents or other evidence that will be introduced at the hearing
- explain the enforcement hearing process
- set a date for the enforcement hearing.

If you do not participate in the pre-hearing conference, you may lose the opportunity for an oral hearing, and the general manager may make a decision based on the written submissions only.

Enforcement Hearing

Enforcement hearings may be conducted in-person, via teleconference, written submission, or any combination of these.

At an enforcement hearing, an adjudicator, who is a delegate of the general manager, will consider the evidence and argument presented by you and the branch. The adjudicator will decide whether the alleged contravention(s) occurred and what enforcement action, if any, is warranted. The adjudicator issues a written decision several weeks after the hearing.

> **Note:**
> You may represent yourself at a hearing, be represented by a lawyer or you may be represented by someone with written authority to act on your behalf.

Possible Enforcement Action

If the adjudicator decides the contravention occurred, they may

- suspend the liquor licence for a period of time
- impose a monetary penalty
- cancel a liquor licence
- impose, rescind or amend the terms and conditions of a licence, and
- order a licensee to transfer a licence.

If the adjudicator finds that either a licence suspension or monetary penalty is warranted, they may not impose a penalty less than the minimums set out in Schedule 4 of the Regulation. They may impose higher penalties when it is in the public interest to do so. They are not bound by the penalties proposed in the Notice of Enforcement Action.

The type of enforcement action imposed will depend on a number of factors, including the nature of the contravention, the circumstances of the contravention, your establishment's compliance history, and your compliance history as a licensee.
Any enforcement action imposed will form part of the compliance history of the licence and the licensee.

Serving Liquor While Under Suspension

If the enforcement process results in your liquor-primary licence being suspended, your establishment must close.

Failure to abide by your suspension, including allowing branch officials to post suspension signs, is a serious contravention that could lead to an extended licence suspension, cancellation or transfer of your liquor licence.

Judicial Review

If you are dissatisfied with an enforcement hearing decision, you may apply to the B.C. Supreme Court for a judicial review.

APPENDIX 1
Penalty Schedule
Schedule 4
Enforcement Actions

Interpretation

1 (1) For the purposes of this Schedule,

(a) a contravention is of the same type as another contravention if each contravention is described by the same Item of this Schedule, and

(b) a contravention by a licensee is

(i) a first contravention if the contravention was committed at or in respect of an establishment and the licensee has not committed a contravention of the same type at or in respect of that establishment within the 12 month period preceding the commission of the contravention,

(ii) a second contravention if the contravention was committed at or in respect of an establishment and the licensee has committed one contravention of the same type at or in respect of that establishment within the 12 month period preceding the commission of the contravention, and

(iii) a subsequent contravention if the contravention was committed at or in respect of an establishment and the licensee has committed a second contravention of the same type at or in respect of that establishment within the 12 month period preceding the commission of the contravention.

(2) In section 20 (1) (c.1) of the Act and in Item 13 of this Schedule, "reasonable measures" means, in respect of a licensee, measures that are

(a) reasonable in the circumstances, and

(b) reasonably within the capacity of the licensee to effect.

Item	Contravention	Period of Suspension (Days)			Monetary Penalty
		First Contravention	Second Contravention	Subsequent Contravention	
OPERATING OUTSIDE OF LICENCE PURPOSE					
1	Operation of a licensed establishment in a manner that is contrary to the primary purpose of the licence	10 - 15	20 - 30	30 - 60	$7 500 - $10 000
MINORS					
2	A breach of section 33 of the Act [*Selling liquor to minors*]	10 - 15	20 - 30	30 - 60	$7 500 - $10 000
3	A breach of section 35 of the Act [*Minors on licensed premises*]	4 - 7	10 - 14	18 - 20	$5 000 - $7 500
4	Rescinded (February 2007) ~~A breach of section 45(2) of the regulations (Failure to request identification from person appearing to be under 25)~~	—	—	—	—
GAMBLING					
5	A breach of section 36(2)(a) of the Act by authorizing or permitting gambling in the licensed establishment	4 - 7	10 - 14	18 - 20	$5 000 - $7 000
6	A breach of section 36(2)(c) of the Act by authorizing or permitting a device used for gambling to be placed, kept or maintained in the licensed establishment	10 - 15	20 - 30	30 - 60	$7 500 - $10 000
DISORDERLY OR RIOTOUS CONDUCT					
7	A breach of section 36(2)(a) of the Act by authorizing or permitting, in the licensed establishment, drunkenness or violent, quarrelsome, riotous or disorderly conduct	10 - 15	20 - 30	30 - 60	$7 500 - $10 000
8	A breach of section 36(2)(b) of the Act by authorizing or permitting, in the licensed establishment, any unlawful activities or conduct	10 - 15	20 - 30	30 - 60	$7 500 - $10 000
INTOXICATED PERSONS					
9	A breach of section 43(1) of the Act by selling or giving liquor to an intoxicated person or a person apparently under the influence of liquor	4 - 7	10 - 14	18 - 20	$5 000 - $7 000
10	A breach of section 43(2)(a) of the Act by permitting a person to become intoxicated	4 - 7	10 - 14	18 - 20	$5 000 - $7 000
11	A breach of section 43(2)(b) of the Act by permitting an intoxicated person to remain in that part of the licensed establishment where liquor is sold or served	4 - 7	10 - 14	18 - 20	$5 000 - $7 000

Item	Contravention	Period of Suspension (Days)			Monetary Penalty
		First Contravention	Second Contravention	Subsequent Contravention	
WEAPONS					
12	A breach of section 47 of the Act [*Licensee's duty - dangerous weapons*]	4 - 7	10 - 14	18 - 20	$5 000 - $7 000
LICENSEE RESPONSIBLE FOR DISTURBANCE OF PERSONS IN THE VICINITY					
13	A failure to take reasonable measures to ensure that the operation of the licensed establishment is not contrary to the public interest and does not disturb persons in the vicinity of the establishment	10 - 15	20 - 30	30 - 60	$7 500 - $10 000
OVERCROWDING					
14	Permitting more persons in the licensed establishment than the patron or person capacity set by the general manager and the number of persons in the licensed establishment in less than or equal to the occupant load	1 - 3	3 - 6	6 - 9	$1 000 - $3 000
15	Permitting more persons in the licensed establishment than the patron or person capacity set by the general manager and the number of persons in the licensed establishment is more than the occupant load	4 - 7	10 - 14	18 - 20	$5 000 - $7 000
ILLICIT LIQUOR					
16	A breach of section 38 of the Act [*Unlawful sale of liquor*]	10 - 15	20 - 30	30 - 60	$7 500 - $10 000
17	A breach of section 38.1 of the Act [*Unlawful to dilute or adulterate liquor*]	4 - 7	10 - 14	18 - 20	$5 000 - $7 000
18	A breach of section 39 of the Act [*Unlawful purchase of liquor*]	10 - 15	20 - 30	30 - 60	$7 500 - $10 000
19	A breach of section 35(3) of this regulation by failing to keep and maintain a register of all liquor purchased and received	1 - 3	3 - 6	6 - 9	$1 000 - $3 000
20	A breach of section 35(1) of the regulation by purchasing liquor other than from a liquor store designated in writing by the general manager or designated by the Liquor Distribution Branch, or without identifying the licensee as a licensee	1 - 3	3 - 6	6 - 9	$1 000 - $3 000
21	A breach of section 36 of this regulation by selling or providing under one licence liquor that is purchased under another licence without authorization of the general manager	10 -15	20 - 30	30 - 60	$7 500 - $10 000

Item	Contravention	Period of Suspension (Days)			Monetary Penalty
		First Contravention	Second Contravention	Subsequent Contravention	
LIQUOR SERVICE					
22	A breach of section 43 of this regulation by the licensee failing to complete the required training program	4 - 7	10 - 14	18 - 20	$5 000 - $7 000
23	A breach of section 43 of this regulation by a manager or server failing to complete the required training program	1 - 3	3 - 6	6 - 9	$1 000 - $3 000
24	A breach of section 44 (1)(a) of this regulation by a licensee with a liquor primary licence or liquor primary club licence failing to clear the licensed establishment of patrons within ½ hour after the time stated on the licence for the hours of liquor service, or other time authorized by the general manager	1 - 3	3 - 6	6 - 9	$1 000 - $3 000
25	A breach of section 44(1)(b) of this regulation by a licensee with a food primary licence failing to ensure that liquor is taken from patrons within ½ hour after the time stated on the licence for the hours of liquor service, or other time authorized by the general manager	4 - 7	10 - 14	18 - 20	$5 000 - $7 000
26	A breach of section 44(3) of this regulation by allowing a person to consume liquor in the licensed establishment beyond ½ hour after the time stated on the licence for the hours of liquor service, or other time authorized by the general manager	4 - 7	10 - 14	18 - 20	$5 000 - $7 000
27	A breach of section 42(3) of this regulation as a result of an employee or the licensee consuming liquor while working on the licensed premises	1 - 3	3 - 6	6 - 9	$1 000 - $3 000
28	A breach of section 42(2) of this regulation by permitting liquor not purchased from the licensee to be consumed in the licensed establishment	4 - 7	10 - 14	18 - 20	$5 000 - $7 000
29	A breach of section 42(4) of this regulation by permitting liquor sold in the licensed establishment to be taken from the establishment	1 - 3	3 - 6	6 - 9	$1 000 - $3 000
30	A breach of section 41(2) of this regulation by providing unlimited or unspecified quantities of liquor for a single price, using a sales strategy that is likely to promote or encourage intoxication, or altering the price of liquor during a day after it has been set for that day	4 - 7	10 - 14	18 - 20	$5 000 - $7 000
PRODUCTION OF RECORDS					
31	A breach of section 73 (1) (a), 73 (2) (a) or 73 (2) (b) of the Act [*Failure to produce a document or record or thing*]	10 - 15	20 - 30	30 - 60	$7 500 - $ 10 000

Item	Contravention	Period of Suspension (Days)			Monetary Penalty
		First Contravention	Second Contravention	Subsequent Contravention	
ADVERTISING					
32	A breach of section 49 of the Act [*Display of signs*]	1 - 3	3 - 6	6 - 9	$1 000 - $ 3000
33	A breach of section 51.1 of the Act [*Advertising liquor*] or section 58 of this regulation	1 - 3	3 - 6	6 - 9	$1 000 - $3 000
ENTERTAINMENT					
34	Permitting in the licensed establishment entertainment by one or more exotic dancers or strippers that is prohibited or restricted under section 50 of the Act	4 - 7	10 - 14	18 - 20	$5 000 - $ 7 000
35	Permitting in the licensed establishment any other entertainment that is prohibited or restricted under section 50 of the Act	1 - 3	3 - 6	6 - 9	$1 000 - $ 3000
LICENSING CONTRAVENTION					
36	A breach of section 15 (2) of the Act [*Failure to disclose a material fact or false or misleading statement in application*]	10 - 15	20 - 30	30 - 60	$7 500 - $10 000
37	A breach of section 18 of the Act [*Tied houses*] by failing to disclose to the general manager the information that must be disclosed under that section	10 - 15	20 - 30	30 - 60	$7 500 - $10 000
38	A breach of section 19 (3) of the Act by transferring shares of the licensee's capital stock without first receiving the general manager's approval for that transfer	1 - 3	3 - 6	6 - 9	$1 000 - $3 000
39	A breach of section 7 of this regulation by making structural alteration of or change to the size of any area of the licensed establishment without first receiving the written permission of the general manager	1 - 3	3 - 6	6 - 9	$1 000 - $3 000
INDUCEMENTS					
40	A breach by the licensee or an employee of the licensee of section 45 of the Act [*Licensee not to give or accept gifts for promoting liquor*]	10 - 15	20 - 30	30 - 60	$7 500 - $10 000

Item	Contravention	Period of Suspension (Days)			Monetary Penalty
		First Contravention	Second Contravention	Subsequent Contravention	
PROMOTIONAL ACTIVITY					
40.1	A breach of section 50.1(3)(d) of this regulation by engaging in promotional activity if that promotional activity is required to be, but is not, documented in an appropriate buy-sell agreement	1 - 3	3 - 6	6 - 9	$1 000 - $3 000
U-BREW/U-VIN					
41	A breach of section 23 of this regulation by failing to ensure that the customer performs the listed tasks	4 - 7	10 - 14	18 - 20	$5 000 - $7 000
42	A breach of section 22 [*Payment, acknowledgment and invoice required*], 24 [*Licensee or employee production*], 25 [*Storage requirements*], 26 [*No consumption other than tasting*], 27 [*Customer required to bottle own product*], 28 [*Removal of finished product required*], 30 [*Minors*], 31 [*Record keeping and reporting requirements*], 32 [*Advertisements*] or 33 [*Hours of operation*] of this regulation	1 - 3	3 - 6	6 - 9	$1 000 - $ 3000
43	A breach of section 29 of this regulation by failing to ensure that beer, wine or cider is not kept, offered or produced for sale at a U-Brew or U-Vin	10 - 15	20 - 30	30 - 60	$7 500 - $10 000
DEFAULT IN MONETARY PENALTIES					
44	A breach of section 20 (2.6) of the Act [*Failure to pay monetary penalty within 30 days or period specified by the general manager*]	10 - 15	20 - 30	30 - 60	
OTHER					
45	A breach of section 20 of the Act by permitting the sale, service or consumption of liquor while the licensee's licence is under suspension, or A breach of section 67 (3) of the Act, by (a) obstruction or attempting to obstruct an entry or search by a peace officer under section 67 of the Act, or (b) refusing or failing to admit immediately a peace officer demanding entry anywhere under section 67 of the Act, or A breach of section 73 (1) (b) (ii) or (iii) of the Act by neglecting or refusing to allow storage premises or an establishment licensed under the Act to be inspected, or A breach of section 73 (2) (c) of the Act by neglecting or refusing to allow premises to be inspected	If the licence is not cancelled or transferred in accordance with section 69 of this regulation, at least 15 days			

Item	Contravention	Period of Suspension (Days)			Monetary Penalty
		First Contravention	Second Contravention	Subsequent Contravention	
GENERAL					
46	Any breach of any provision of the Act, the regulations or the terms and conditions of the licence not specifically referred to in Items 1 to 45	1 - 3	3 - 6	6 - 9	$1 000 - $3 000

APPENDIX 2
Taking Reasonable Measures to Prevent Disturbances

Types of disturbances	What you can do to reduce these disturbances
Noise caused by people talking on the street in the line-up	• Limit the length of your line-up • Put up signs by the line-up and monitor the line-up to remind people of noise issues • Make structural changes to accommodate indoor line-up areas
Noise caused by people leaving your establishment throughout the day	• Put up signs by your exit doors • Conduct staff training sessions to review " Serving it Right" principles
Noise caused by people leaving your establishment at closing time	• Put up signs by your exit doors • In the hour before you close, issue an announcement reminding people to be aware of your "good neighbour" policy • Post staff by exits to remind customers to be considerate of nearby residents, and keep noise to a minimum • Apply to the branch for permission to extend the time period within which customers must vacate the premises at closing time (It is normally half-an-hour but you can apply to extend that time up to one hour to reduce the size of departing groups.)
Noise from music and other forms of entertainment that is **ongoing** and can be heard by nearby residents from within their homes	• Close windows and upgrade ventilation system • Upgrade to double-sealed windows • Reduce music volumes and monitor noise levels • Eliminate bass frequencies that penetrate concrete and other structural materials • Meet with neighbours to discuss options — strive to cooperate
Noise of music that is **intermittent** and can be heard by nearby residents from within their homes, when customers open the door to go in or out of your establishment	• Install a second door • Reduce music volumes • Meet with neighbours to discuss options — strive to cooperate
Indecent or illegal behaviour (e.g., urinating in public, sex in public, drinking in parked cars in adjacent parking lot) in and around the entrance to your establishment and in controlled parking areas	• Put up extra lights on the side of your building, directed to problem areas • Install video cameras directed at parking lot • Assign security staff to patrol parking lots • Cooperate with local police to set up more parking lot patrols • Refuse entry to customers who go frequently to and from cars

APPENDIX 3
Making Changes to Your Licence

Changes that Require Approval from the General Manager

Permanent change

You must apply for a permanent change if you want to:

- change the name of your business
- change your hours of sale
- change anyone or any company — owners, partners, shareholders, corporations or holding companies
- transfer shares either externally to new shareholders, or internally between current shareholders, if you are a private corporation
- add a receiver or executor
- hold live contact sports events

Structural change

You must apply for a structural change if you want to:

- change the layout of your establishment
- change (or add to) the structure of your building
- increase your capacity to the occupant load of the building as determined by fire/building officials
- add an outdoor patio
- change (or add) a designated smoking room
- if you own a golf course and would like to serve liquor from a cart or kiosk

Transfer of location

You must apply for a transfer of location if you want to:

- re-locate your business

Third-party or resident manager change

You must apply for a third-party operator or resident manager change if you want to:

- change (or add) a third-party lessee or management firm operating within your licensed establishment
- change your resident manager, if you are a non-resident private corporation, or not involved in the day-to-day operation of your establishment.

Temporary change

You must apply for a temporary change if you want to:

- make a change or changes for a relatively short period — usually for a special event, such as an unlicensed event for minors, or to allow time for renovations or structural alterations. These changes may include temporarily extending your normal hours of sale, your usual capacity, and/or the area that is covered by your liquor licence, or temporarily moving your business to another location entirely.

Application Forms, Documentation and Other Required Approvals

The application form, documentation and approvals you will need depend on the type of change you are asking for. For example:

- To extend your hours of sale, you will need an Application for Permanent Change to a Liquor Licence, and a resolution from your local government of First Nation.
- To alter the structure or layout of your building, you will need an Application for a Structural Change, and to supply large scale floor plans.
- To change or add a third-party lessee or management firm, you will need an Application for a Third-Party Operator or Resident Manager, and to supply a range of company documents and a completed criminal record search form for each new person.
- To transfer shares, you will need an application for a *Permanent Change to a Liquor Licence*, and all shareholders will need to agree to a criminal record check.

Application Forms:
Forms are available under "Liquor Licensing" on the provincial government's website:
www.gov.bc.ca/pssg
or, are available from the Liquor Control and Licencing Branch:
Phone, toll free: **1 866 209-2111**
E-mail: **lclb.lclb@gov.bc.ca**

The individual application forms explain the documentation and/or approvals required for each type of change. The Fee Schedule for Licence Changes lists the fee charged for each type of change.

Criminal record checks

Some changes will require that you consent to a criminal record check. To do so, you must complete both the Personal History Summary and Consent to Criminal Record Search form and the RCMP's Consent for Disclosure of Criminal Record Information.

Applicants who have applied for a liquor licence and consented to a criminal record search within the previous 12 months are exempt, unless requested to consent to another search by the general manager.

Applicants living outside of Canada, refugees and landed immigrants who have been in Canada for less than five years and anyone who has been charged or convicted of a crime must also provide a statutory declaration – signed by a lawyer, Notary Public, or Commissioner for Taking Affidavits – stating either that they have not been charged or convicted of a crime, or providing details of any past charges, convictions or sentences. In addition, landed immigrants who have been in Canada less than five years must attach a copy of their "Record of Landing" (Form IM1000, Permanent Resident Card or equivalent documentation) as provided by Citizenship and Immigration Canada when they entered the country.

Once we have the required documents, we will send them on to the RCMP. The agency will check the person's name and birth date and other information against criminal records across Canada, and report back to us with the final results:

- If the search reveals no criminal record, we will continue to process your change request.
- If the RCMP are unable to confirm the information you provided on the Statutory Declaration, and if the search reveals a *possible* relevant criminal record, we will ask you to go to the local police or RCMP station to provide fingerprints. (The police may charge a fee for this service.) Specially trained analysts will compare these fingerprints to the prints associated with the criminal record.

Even if it turns out that an applicant does have a criminal record, however, it does not mean we will automatically turn down the application. We will look carefully at the circumstances of the individual case – the severity of the crime and when it was committed, for example, and what the applicant has done to change his or her behaviour since then – and how the type of crime committed relates to the responsibilities that go with holding a liquor licence.

APPENDIX 4

Sample Buy-Sell Agreement

BUY-SELL AGREEMENT

BETWEEN

Parties: _____ and _____
Liquor Manufacturer/Agent (*licence name as shown on face of licence*) | Licensee (*licence name as shown on face of licence*)

_____ and _____
Liquor Manufacturer/Agent Licence Number | Licensee Licence Number

Purpose: The contractual obligations stated below are agreed to and will be adhered to by both Parties throughout the duration of this agreement.

Duration (*must not exceed 36 months*):

Start Date: _____ End Date: _____

Terms Agreed to by Licensee:

1. _____ hereby agrees to:
Licensee

A. Purchase or order over the duration period:

Product Name	UPC	Size	Quantity/Volume

B. Placement of promotional items, product displays, point-of-sale or similar material:

_____

_____

_____over the duration period.

Terms Agreed to by Liquor Manufacturer/Agent:

2. In return for the considerations noted above _____ agrees to:
Liquor Manufacturer/Agent

A. Provide (promotional items such as mirrors, ceramic draft beer towers, menu boards, patio umbrellas, or T-shirts, hats, etc.):

_____

_____

_____RETAIL VALUE: $_____

B. Conduct (theme night, manufacturer's dinner, or non-LDB approved contest):

_____

_____

_____RETAIL VALUE: $_____

C. Implement Value-Added Promotions (on-packs, in-packs, near-packs, or coupons):

_____

_____

_____RETAIL VALUE: $_____

D. Other (educational events or activities):

_____

_____

_____RETAIL VALUE: $_____

Conditions and Understanding:

Promotional activities must be directed to the consumer and promotional items must be provided to or be for the principal benefit of patrons.

This Agreement shall not exclude, restrict or otherwise prohibit the licensee from carrying, selling, or displaying the products of any other liquor manufacturer/agent.

Both Parties agree to maintain, on site, certifiable copies of this Buy-Sell Agreement and any related documents for two years after their expiry date. All such documents must be available and provided, without delay, when requested by the general manager of the Liquor Control and Licensing Branch.

Buy-Sell Agreements must not exceed 36 months in duration.

Value- added items may not exceed 20% of the retail price of the liquor item being promoted.

The names of recipients of prizes over $100 must be recorded and retained with this agreement.

Despite any provision in this agreement to the contrary, the Parties agree not to engage in any promotional activity that is not, or that ceases to be, authorized under one or more of:

a. The Liquor Control and Licensing Act
b. The Liquor Control and Licensing Regulation
c. The terms and conditions to which one or more of the parties are subject to under licence from the Liquor Control and Licensing Branch.

This Agreement and its contents have been read and are fully understood.

Authorized Signatory:

_____ and _____

Liquor Manufacturer/Agent Name — Licensee (or manager)

_____ _____

Position or Title — Position or Title

Dated this _____ day of _____ 2_ _ _ at _____, British Columbia.

APPENDIX 5
CRTC Code For Broadcast Advertising of Alcoholic Beverages

Commercial messages for alcoholic beverages shall not:

- attempt to influence non-drinkers of any age to drink or purchase alcoholic beverages;
- be directed at persons under the legal drinking age, associate any such product with youth or youth symbols, or portray persons under the legal drinking age or person who could reasonably be mistaken for such persons in a context where any such product is being shown or promoted;
- portray the product in the context of, or in relation to, an activity attractive primarily to people under the legal drinking age;
- contain an endorsement of the product, personally or by implication, either directly or indirectly, by any person, character, or group who is or is likely to be a role model for minors because of a past or present position of public trust, special achievement in any field of endeavour, association with charities and/or advocacy activities benefiting children, reputation or exposure in the mass media;
- attempt to establish the product as a status symbol, a necessity for the enjoyment of life or an escape from life's problems, or attempt to establish that consumption of the product should take precedence over other activities;
- imply directly or indirectly that social acceptance, social status, personal success, or business or athletic achievement may be acquired, enhanced, or reinforced through consumption of this product;
- imply directly or indirectly that the presence or consumption of alcohol is, in any way, essential to the enjoyment of an activity or an event;
- portray any such product, or its consumption, in an immoderate way;
- exaggerate the importance or effect of any aspect of the product or its packaging;
- show or use language that suggests, in any way, product misuse or product dependency, compulsive behaviour, urgency of need or urgency of use;
- use imperative language to urge people to purchase or consume the product;
- introduce the product in such a way or at such a time that it may be associated with the operation of any vehicle or conveyance requiring skill;
- introduce the product in such a way or at such a time as may associate the product with any activity requiring a significant degree of skill, care or mental alertness or involving an obvious element of danger;
- contain inducements to prefer an alcoholic beverage because of its higher alcoholic content;
- refer to the feeling and effect caused by alcohol consumption or show or convey the impression, by behaviour or comportment, that the people depicted in the message are under the influence of alcohol;
- portray persons with any such product in situations in which the consumption of alcohol is prohibited; or
- contain scenes in which any such product is consumed, or that give the impression, visually or in sound, that it is being or has been consumed.

NOTES:

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revised February 2008

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